



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

JF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,123	12/05/2003	Jens-Uwe Schluetter	03-1075	9023
20306	7590	02/13/2006	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			PILLAI, NAMITHA	
300 S. WACKER DRIVE			ART UNIT	PAPER NUMBER
32ND FLOOR				2173
CHICAGO, IL 60606				

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/729,123	WEST	
	<b>Examiner</b>	<b>Art Unit</b>	
	Namitha Pillai	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/25/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 7/25/05 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the foreign patent document referred to therein has not been considered.

### ***Oath/Declaration***

2. The oath or declaration filed on 8/29/05 is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 602.

The specification identified by the filing date is not proper, where the filing date of July 28, 2003 referred to in the oath/declaration is incorrect.

### ***Specification***

#### ***Content of Specification***

- (a) **Title of the Invention:** See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.

Art Unit: 2173

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the

Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed

in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. The specification is objected to for not including the section "Brief Summary of the Invention".

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0120551 A1 (Jones, III), herein referred to as Jones and U. S. Patent No. 5, 598, 183 (Robertson et al.), herein referred to as Robertson.

Referring to claims 1 and 18, Jones discloses a method for displaying a cursor on a screen of a computer used in an electronic trading system (page 3, paragraph 37, lines 3-7). Jones discloses identifying a cursor at a first location in a display region, the first location being associated with a first portion of market information for a tradeable object (page 3, paragraph 39, lines 1-6). Jones discloses receiving a signal, and in response to the signal, updating the display region, where the display region is updated by the moving chart and changes in chart data (page 3, paragraph 39, lines 6-8). Jones does not disclose automatically moving the cursor to a second location associated with the first portion of market information, the cursor being moved together with the first portion of market information. Robertson discloses a system with means for a

Art Unit: 2173

dynamical mouse controller for automatically moving a cursor to a second location, when a change occurs in a display region to correspond to the first portion of the display region (column 1, lines 45-55). It would have been obvious for one skilled in the art, at the time of the invention to learn from Robertson to automatically move a cursor to a second location as a result of detecting a change in a display region, with the cursor being moved along with the data of the first display region. Jones clearly discusses the components of the display region moving and changing relative to the location of a cursor and further teaches the importance of selecting data that includes a particular price (page 5, paragraph 57). Jones' desire to choose the correct price with a display wherein the price chart is constantly moving would provide for a motivation to ensure that with the automatic movement of the cursor based on changes in the display region, the correct and desired price is chosen. Jones has disclosed that the display region is in fact constantly updated and a desire to make sure that within such an environment the selection of the correct price does occur. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Jones to automatically move a cursor to a second location, when a change occurs in a display region, with the first portion of a display region.

Referring to claim 2, Jones and Robertson disclose that the first portion of market information is a price region that represents a certain price value for the tradeable object (Jones, page 3, paragraph 39, lines 4-5).

Referring to claim 3, Jones and Robertson discloses that the first location is a point within the price region in a first display arrangement and the second location is a

different point within the price region in a second display arrangement (Jones, page 3, paragraph 39, lines 4-5), with the combination of Jones and Robertson teaching that display region with the first and second locations entails a price region.

Referring to claim 4, Jones and Robertson discloses that the first location is a point outside of the price region in a first display arrangement and the second location is a different point outside of the price region in a second display arrangement (Robertson, column 1, lines 45-55), with Robertson teaching examples of the first and second locations being outside of the price region and related to other elements that are displayed in a display region.

Referring to claim 5, Jones and Robertson discloses that the distance between the first location and the second location in the display region is equal to the distance that the first portion of market information was moved from a first display arrangement to a second display arrangement (Robertson, column 4, lines 40-55), where Robertson teaches how the cursor movement is associated with the changes in the display and adjusted to move along with the information that has changed, with the combination of Jones and Robertson teaching that when the price along the price chart moves a certain distant the cursor will be moved along the equal distance in order to adjust to the display chart that has changed and to ensure that the correct price is chosen.

Referring to claim 6, Jones that movement of the cursor from the first location to the second location is in parallel to the movement by the first portion of market information from a first display arrangement to a second display arrangement (Jones, page 3, paragraph 39), where the combination of Jones and Robertson teaches a

parallel relationship between the movement of the price information and the movement of the cursor from the first location to the second location.

Referring to claim 7, Jones and Robertson discloses that the signal represents a repositioning command to reposition market information associated with the inside market of the tradeable object in the display region (Jones, page 3, paragraph 39, lines 6-8).

Referring to claim 8, Jones and Robertson discloses that receiving a second signal from an input device to move the cursor to a third location (Jones, page 3, paragraph 39, lines 8-12), where Jones teaches that the user makes multiple transactions for trades involving selection through cursor at various locations in the chart.

Referring to claim 9, Jones and Robertson discloses identifying the cursor at the third location in the display region, the third location being associated with a second portion of market information for the tradeable object and receiving a signal, and in response to the signal, updating the display region by automatically moving the cursor to a fourth location associated with the second portion of market information, the cursor being moved together with the second portion of market information. The combination of Jones and Robertson has already taught that based on selections made within a chart that is continuously updated and moved, Jones further teaching that multiple selections can be made in this moving chart (Jones, page 3, paragraph 39). Based on the combination, it would have been obvious that the cursor would be identified at a location on this moving chart, and the cursor would be further moved according to the

movement of the chart in order for the selected price to be properly chosen. Therefore, it would have been obvious for one skilled in the art, at the time of the invention to disclose the cursor identified at a third location in the display region being associated with a second portion of the market information and in response to the update of the region would automatically move the cursor to a fourth location associated with a second portion of the market information.

Referring to claim 10, Jones and Robertson disclose that the display region comprises a price column (Jones, reference number 42, Figure 4).

Referring to claim 11, Jones and Robertson discloses that the display region comprises a bid column, an ask column, and a price column, and wherein the first portion of market information represents a price cell in the price column (Jones, Figure 4), with the figure showing bid data, ask column, price column and the first portion including cells in the price chart.

Referring to claim 12, Jones and Robertson disclose that the cursor remains in a fixed position relative to the portion of the market information before and after the updating of the display (Jones, page 3, paragraph 39, lines 6-8).

Referring to claim 13, Jones discloses a method for displaying a cursor on a screen of a computer used in an electronic trading system (page 3, paragraph 37, lines 3-7). Jones discloses identifying a cursor at a first location in a display region, the first location being associated with a first portion of market information for a tradeable object (page 3, paragraph 39, lines 1-6). Jones discloses that the first location is associated with a particular price to buy or sell a tradeable object, with the price being displayed

along an axis of prices (Figure 4 and page 3, paragraph 39). Jones discloses receiving a signal, and in response to the signal, updating the display region, where the display region is updated by the moving chart and changes in chart data (page 3, paragraph 39, lines 6-8). Jones does not disclose automatically moving the cursor to a second location associated with the particular price information, the cursor being moved in parallel and in unison with the movement of the price along the axis of the prices. Robertson discloses automatically moving a cursor to a second location, when a change occurs in a display region to correspond to the first portion of the display region (column 1, lines 45-55). It would have been obvious for one skilled in the art, at the time of the invention to learn from Robertson to automatically move to a second location as a result of detecting a change in a display region, with the cursor being moved along with the data of the first display region. Jones clearly discusses the movement of the price along the price axis and further teaches the importance of selecting the correct price data even under conditions where the price is moving along the axis (page 5, paragraph 57). Jones' desire to choose the correct price with a display wherein the price chart is constantly moving would provide for a motivation to ensure that with the automatic movement of the cursor, with the cursor being moved in parallel and unison along the chart, based on changes in the display region, the correct and desired price is chosen. Jones has disclosed that the display region is in fact constantly updated and a desire to make sure that within such an environment the selection of the correct price does occur. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Jones to automatically move a cursor to a second location, when the price

along the axis of the prices moves, in order to ensure that the cursor moves in parallel and unison to the movement of the price within the price chart.

Referring to claim 14, Jones and Robertson discloses by moving the cursor in unison with the movement of the price along the axis of prices makes the cursor appear fixed in relation to the display region (Jones, page 3, paragraph 39, lines 6-8).

Referring to claim 15, Jones and Robertson disclose that the cursor remains in a fixed position relative to the price before and after the updating of the display (Jones, page 3, paragraph 39, lines 6-8).

Referring to claim 16, Jones and Robertson disclose receiving a signal at the first location or the second location to initiate an order to buy or to sell the tradeable object at the price (page 3, paragraph 39, lines 1-6).

Referring to claim 17, Jones and Robertson disclose receiving a second signal from an input device to move the cursor to third location associated with another price (page 3, paragraph 39, lines 1-11).

### ***Conclusion***

5. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach the method for displaying cursors relative to display regions.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand

carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1 . 1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Application/Control Number: 10/729,123  
Art Unit: 2173

Page 13

Status information for unpublished applications is available through Private PAIR only.  
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Assistant Examiner  
Art Unit 2173  
February 4, 2006



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**